

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**DAWN M. CHAFFER,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO: 3:15CV286**

**FOOD LION, LLC.**

**Defendant.**

**AMENDED COMPLAINT**

COMES NOW the Plaintiff, **Dawn M. Chaffer**, (hereafter the "Plaintiff"), by counsel, and for her Complaint against the Defendant, she alleges as follows:

**PRELIMINARY STATEMENT**

1. On or about the 8th day of May, 2013, the Plaintiff was shopping at Food Lion. While in the store, Plaintiff unknowingly stepped into a bound hard plastic strip used to secure boxes that was negligently left on the floor in the produce section of the store causing her to fall and break her left foot.

**JURISDICTION**

2. The Court has federal jurisdiction conferred by 28 U.S.C. § 1332, because the parties are from different states and the amount in controversy exceeds \$75,000.00.

**PARTIES**

3. The Plaintiff, **DAWN M. CHAFFER**, is a natural person and is a resident of the Commonwealth of Virginia and the Eastern District of Virginia.

4. Food Lion, LLC. ("Food Lion" or "Defendant") is a North Carolina limited liability company whose sole member is Delhaize Group, a foreign corporation organized under the laws of a country other than the United States of America. Food Lion maintains more than one place of business in the Commonwealth of Virginia and is authorized to do business in the Commonwealth of Virginia through its registered offices in Richmond, Virginia. The Food Lion store at issue in this Complaint is located in Isle of Wight County, Store #02562, 13478 Carrollton Boulevard, Carrollton, Virginia 23314. Because the sole member of Food Lion, LLC, is a foreign corporation, the parties are completely diverse.

#### **FACTS**

5. On or about the 8th day of May, 2013, the Plaintiff was shopping at Food Lion located at 13478 Carrollton Boulevard, Carrollton, Virginia 23314.

6. Plaintiff was a lawful patron and a business invitee of Food Lion.

7. At the time of the accident, Plaintiff was walking in the produce section, when she suddenly, and without notice or warning, stepped into a hard plastic binding strip.

8. The binding strip was out of Plaintiff's sight and she was not unreasonable or negligent in failing to see it.

9. The binding strip caused Plaintiff to fall awkwardly to the floor and her left foot took the brunt of the impact.

10. Defendant negligently failed to inspect the area where the fall occurred which resulted in an object being left on the floor, causing substantial injury to the Plaintiff.

11. Defendant negligently failed to cause the proper removal and disposal of the binding strip it had removed and dropped to the floor.

**COUNT I - NEGLIGENCE**

12. Plaintiff incorporates the preceding paragraphs as if restated in full herein.

13. It was the duty of Defendant to "exercise ordinary care toward...invitees upon its premises. In carrying out this duty [Defendant is] required to have the premises in a reasonably safe condition; to remove, within a reasonable time, foreign objects from its floors which...it knew or should have known, [are] there." *Memco Stores, Inc. v. Yeatman*, 232 Va. 5, 10 (1986).

14. As the owner and operator of a place of business to which the general public is invited, Defendant, together with its agent and employees, had a non-delegable duty to:

- a. maintain its premises in a reasonably safe condition, including but not limited to the produce section;
- b. not create dangerous and/or hazardous conditions;
- c. make reasonable inspections and efforts to determine whether conditions existed so as to render the floors unsafe for the use of business invitees;
- d. manage, control, and facilitate the safe and orderly flow of customers upon its premises;
- e. warn public of such unsafe or defective conditions as it, its agents or employees knew of, or should have known of; and
- f. otherwise remove or ameliorate such conditions.

15. Notwithstanding these obligations the Defendant, its agent and employees, negligently facilitated and permitted unsafe conditions to exist at the Carrollton store, including but not limited to placing and/or leaving an object on the floor and failing to

protect patrons of the hazardous, and unsafe conditions created thereby, on the date and at the location of Plaintiff's fall.

16. As a direct and proximate result of the carelessness, recklessness and negligence of the Defendant as aforesaid, individually and acting by and through its employees within the scope of their employment, Dawn Chaffer was caused to sustain serious, severe, painful and permanent injuries; has incurred medical and doctor expenses in an effort to be healed; has lost wages; has suffered great physical pain, mental anguish and inconvenience; has suffered humiliation and embarrassment as a result of her fall; and has been otherwise injured and damaged and will continue to be so injured and damaged.

WHEREFORE Plaintiff, prays for judgment against Defendant; her attorneys' fees and costs; for pre-judgment and post-judgment interest at the legal rate from May 8, 2013, and such other relief the Court deems just and proper.

**Plaintiff demands a trial by jury.**

Dawn M. Chaffer

By:                     /s/                      
Of Counsel

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**Certificate of Service**

I hereby certify that on the 16<sup>th</sup> day of June, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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